

REMARKS

The Office Action mailed September 12, 2006 has been reviewed. By way of summary, Claims 1-6, 8-13, 15 and 19 are pending in the application and stand rejected. Applicant respectfully disagrees with the propriety of the Examiner's rejections and the Examiner's statements regarding the teachings of the cited art. Thus, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the following remarks and pass these Claims to allowance.

Rejection of Claims 8-11 under 35 U.S.C. §102(e)

In the Office Action, the Examiner rejected Claims 8-11 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,915,271 to Meyer et al. (referred to hereinafter as "Meyer"). The Examiner contends that Meyer teaches all limitations of Claims 8-11. Applicant respectfully traverses that rejection for the following reasons.

Regarding Claim 8, Applicant respectfully submits that Meyer does not teach or suggest, among other things, "**matching** at least one of the plurality of promotions to at least one of the plurality of users based at least upon a portion of the plurality of user information and **the user account information.**" The Examiner has cited Col. 46, lines 26-42 of Meyer as teaching matching at least one of the promotions to at least one of the users based at least upon user information and the user account information. Applicant respectfully submits that the cited portion merely teaches that customers from specific demographic groups may be targeted by "matching the customer characteristics to some of the parameters of" an incentive. The cited portion, however, does not teach matching at least one of the promotions to at least one of the users based at least in part on the user account information. Thus, Meyer does not teach all elements of Claim 8. There is no teaching, suggestion or motivation to modify Meyer or combine any reference with Meyer to remedy this deficiency. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 8 and pass Claim 8 to allowance.

Claims 9-11 depend from Claim 8 and thus include all limitations of Claim 8, as well as other limitations of particular utility. Thus, for at least the reasons stated above with respect to Claim 8, Applicant respectfully submits that Claims 9-11 are patentably distinguished over Meyer. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 9-11 and pass Claims 9-11 to allowance.

Rejection of Claims 1-6, 12, 13, 15, and 19 under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected Claims 1-6, 12, 13, and 15 under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,397,198 to Hoffman et al. (referred to hereinafter as “Hoffman”) in view of Meyer. The Examiner also rejected Claim 19 as being obvious over Meyer in view of Hoffman. Applicant respectfully traverses these rejections for the following reasons.

Claims 1-6

Claim 1 recites, among other things:

a transaction module configured to **present information about the at least one promotion to at least one user** via the personal computer device wherein the **promotion relates to preferences that correspond to the user**, the transaction module further configured to select at least one of the plurality of user accounts to use for a commercial transaction with the at least one of a plurality of merchants **wherein the selection is based at least in part on the at least one promotion**.

(Emphasis added). Applicant respectfully submits that Hoffman does not teach or suggest at least the above cited limitations of Claim 1.

Hoffman does not teach, suggest or relate to “promotions.” The Examiner has cited col. 4, lines 28-34 of Hoffman for this teaching. This portion of Hoffman, however, merely discloses a “reward account” that contains “reward-units.” It does not teach or suggest or relate to promotions that correspond to merchants. Accordingly, at least for this reason, Claim 1 is patentably distinct over Hoffman.

Moreover, Hoffman does not teach, suggest or relate to presenting information about a promotion. The Examiner has cited col. 3, line 58 to col. 4, line 2 of Hoffman for the assertion that Hoffman teaches a transaction module configured to present information about the at least one promotion to at least one user via the personal computer device. Applicant respectfully submits that the cited portion merely teaches use of an audio signature for identification in electronic transactions such as loyalty program transactions. Hoffman merely teaches a system in which “the user is not required to directly use any man-made personalized tokens during the identification process” in electronic transactions. Hoffman, Col. 4, lines 2-4.

The system of Hoffman is directed to using biometric identification information such as stored audio signatures for conducting electronic transactions. *See Hoffman*, Abstract. Hoffman does not teach or suggest a transaction module configured to present information about at least one promotion to at least one user via a personal computer device. Accordingly, at least for this additional reason, Claim 1 is patentably distinct over Hoffman.

Neither of these deficiencies in Hoffman is cured by Meyer. Moreover, there is no teaching or suggestion to modify Hoffman or motivation to combine Hoffman with Meyer. Hoffman is related to tokenless biometric financial transactions, not promotions.

Furthermore, neither Hoffman nor Meyer teach that the selection of the user account to use for a commercial transaction with at least one of the merchants is based at least in part on the promotion. The Examiner asserts that because Hoffman teaches that the selection is made by the user, it would have been obvious for the user to select the user account based at least in part on the promotion. Applicant respectfully disagrees with the Examiner's assertion. Claim 1 teaches that the transaction module is configured to make the selection based at least in part on the promotion and not the user. Neither Hoffman nor Meyer teaches that a transaction module is configured to select a user account based at least in part on the promotion. Applicant therefore submits that Claim 1 is patentably distinguished over Hoffman in view of Meyer.

Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 1 and pass Claim 1 to allowance.

Claims 2-6 depend from Claim 1 and thus include all limitations of Claim 1, as well as other limitations of particular utility. For the reasons stated above with respect to Claim 1, Applicant respectfully submits that Claim 1 is patentably distinguished over Hoffman in view of Meyer. Accordingly, because Claims 2-6 depend from Claim 1 and include all of the limitations of Claim, Applicant respectfully submits that Claims 2-6 are also patentably distinguished over Hoffman in view of Meyer. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 2-6 and pass Claims 2-6 to allowance.

Claims 12, 13, and 15

Claims 12, 13, and 15 depend from Claim 8 and thus include all limitations of Claim 8, as well as other limitations of particular utility. For the reasons stated above, Applicant respectfully submits that Claim 8 is patentably distinguished from Meyer and the art of record. Accordingly, because Claims 12, 13, and 15 depend from Claim 8 and include all of the

limitations of Claim 8, Applicants respectfully submit that Claims 12, 13, and 15 are also patentably distinguished from Meyer and Hoffman. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 12, 13, and 15 and pass Claims 12, 13, and 15 to allowance.

Claim 19

Claim 19 depend from Claim 8 and thus includes all limitations of Claim 8, as well as other limitations of particular utility. Thus, for at least the reasons stated above, Applicant respectfully submits that Claim 19 is patentably distinguished over Meyer.

Moreover, the Examiner stated that Meyer "does not teach user accounts configured to transfer funds." However, there is no teaching or suggestion to modify Meyer or motivation to combine Meyer with Hoffman to remedy this deficiency. Hoffman relates to tokenless biometric financial transactions, not promotions. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 19 and pass Claims 19 to allowance.

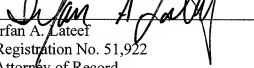
CONCLUSION

The claims are believed to be in condition for allowance and an early notification is therefore solicited. Should the Examiner determine that additional issues may be resolved by telephone, the Examiner is cordially invited to contact the undersigned so that such issues may be promptly resolved and case passed to issuance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 12, 2006

By: 
Irfan A. Lateef
Registration No. 51,922
Attorney of Record
Customer No. 20,995
(949) 760-0404